

FILED

2005 DEC 19 PM 1:14

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXASBY 

AUSTIN DIVISION

STEPHANIE GOETZ, KEVIN MCGILL, §
MARY SHELTON, RAPHAEL O'CAMPO, §
ROLAND VELOZ, TREVOR BABYAK, §
THOMAS BIZZELL, JONATHON PERCY §
CAROL KUTRYB, FRANK BAXTER, §
JEFF DUNNING, LORAIN HILLARD, §
LARISA ZLATI AND SUSAN FORD, §

Plaintiffs, §

v. §

CIVIL ACTION NO. A-02-CA-081-H

ENRIQUE F. GITTES; also known as §
HARRY GITTES §

Defendant. §

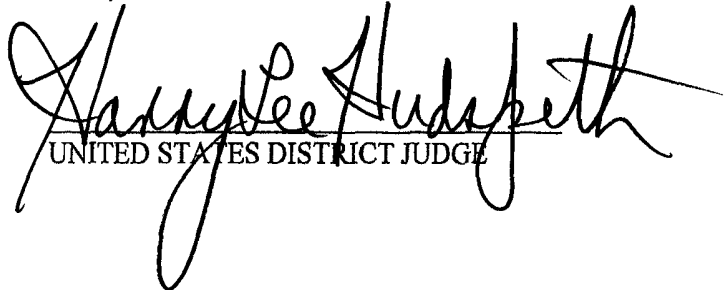
ORDER APPROVING SETTLEMENT

On this day came on to be considered the unopposed motion of Plaintiffs for approval of settlement in the above-styled and numbered cause filed by Plaintiffs Stephanie Goetz and Kevin McGill, Mary Schletz, Raphael Ocampo, Roland Veloz, Trevor Babyak, Thomas Bizzell, Jonathan Percy, Caro Kutryb, Frank Baxter, Jeff Dunning, Loraine Hillard, Larisa Zlatic, and Susan Ford (collectively "Plaintiffs"). The parties report that a settlement has been reached between Plaintiffs and Defendant Enrique F. Gittes, also known as Harry Gittes ("Gittes"). The Plaintiffs brought this suit against Gittes alleging, among other things, claims for wages, liquidated damages, costs and attorney's fees under the Fair Labor Standards Act ("FLSA"). "When employees bring a private action for back wages under the FLSA, and present to the district court a proposed settlement, the district court may enter a stipulated judgment after scrutinizing the settlement for fairness." *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982) (citing *Schulte, Inc. v. Gangi*, 328 U.S. 108, 66

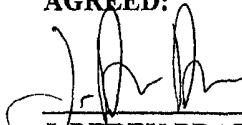
S.Ct. 925, 928 n.8 (1946); *Jarrard v. Southeastern Shipbuilding Corp.*, 163 F.2d 960, 961 (5th Cir. 1947)). In accordance with the foregoing authorities, and upon review of the parties' stipulations, the settlement agreement attached to the Plaintiffs' motion and other matters filed of record herein, the Court finds that the terms of the settlement are fair, adequate and consistent with the FLSA, and that the following order should be entered.

It is therefore **ORDERED** that the stipulations be incorporated herein and the settlement agreement entered into by the Plaintiffs and Defendant be in all things **APPROVED**.

SIGNED AND ENTERED this 16th day of December, 2005.

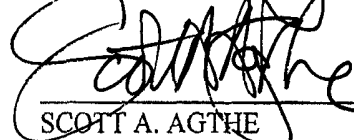

UNITED STATES DISTRICT JUDGE

AGREED:



J. DEREK BRAZIEL
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